G. R. S. IX-5]

Previous references.

1891-92
~~192~~ .
(L. R.)

File No. 217-1892

Serial Nos. 1 - 4

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 — 4

Progress ~~Part~~ B for January 1893.

SUBJECT.

Appeal of Girigoonda of Negombo Udukumarugahatna Taluk praying for his restoration to the headship of Heggadahalli Village in the said Talu

To, Girigoonda of Heggadahalli Udukumarugahatna

No. 674/1 dated 31. 1. 1893

Cal 4

Informing him that the appeal is rejected in view of the fact as he had no right to the Headmanship & his petition dated 21/1/93 is ordered by the Colonial Secretary

WD 2233—GPB—20,000—14-6-20

P. J. 2469 92

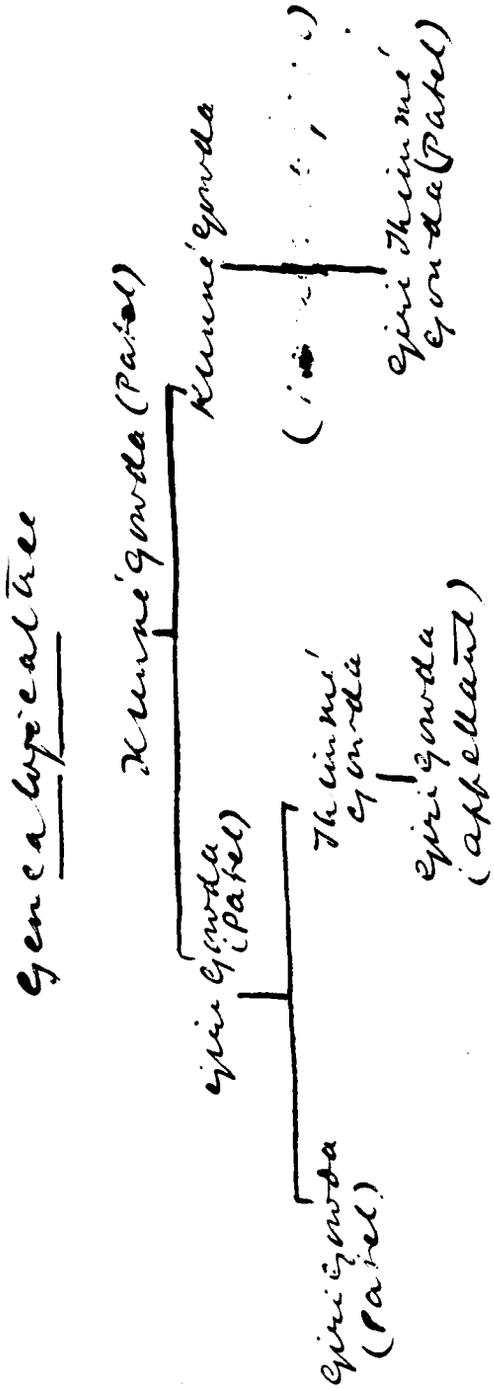
Precis

Revenue appeal
No 41 of 1892-93

Appellant: Giri Gowda
versus
Respondent: Linge Gowda

6. 6. 89

Genealogical Tree



The appellant Giri Gowda presented a petition to the Amildar of Channarayapatna that the patel office of Heggadihalli Giri Gowda's Ammanna had been for a very long time in the enjoyment of his family, that his senior uncle Giri Gowda and after him his junior uncle Giri Thimme Gowda had held the office, that on the death of the said Giri Thimme Gowda ~~about~~ recently, during the last famine, he (Appellant) and Linge Gowda (Respondent) had come to an agreement that the said Linge Gowda

Should do the pateli duties until he (appellant) return-ed to the said Heggadihalli from Gubbi Taluk where he had been living, that in spite of this the said Linge' gowda had represented to the authorities that all the huckdars to the said office had been dead and that it might be confirmed to him, that he (appellant) would prove that he alone was the huckdar and that the office might be restored to him.

Linge' gowda (Respondt) 20-11-87
gave the following deposition before the amildar:-

"Giri Mimme' gowda died about 25 years ago. Giri gowda alone had been doing the pateli duties during his life time. He died about 40 years ago. After his death Giri Mimme' gowda was doing the duties. Huckdar Giri gowda had no issue. Giri Mimme' gowda also had no issue. The complainant Giri Gowda is the son of the younger brother of Huckdar Giri Gowda.

I am not at all related to

to the kulkarni to his patel office. They belong to one caste and I to a different caste altogether. At the time of giri Thimmegowda died the complainant Giri Gowda had been living in Kudaba Taluk. Since there had been no one to do the patel duties, the Shetsanu and the Shanbhog directed me to do the duties. Besides, the Cutchahuldar of Tiptur also issued oral orders that I should do the patel duties. I have accordingly been doing the duties for the past 25 years. I have not received any other orders. Till now the pay has been paid to me only. The complainant had come to this village during the last famine. He lived in this village for five or six years. He then went back to Kudaba Taluk. He never did the patel duties. Nor did his father do the duties at any time. Since I have been doing the patel duties for a long time I beg that the office may be confirmed to me.

× ×

It is not on account of complainant having told me to look after the patel duties, that I have been doing them."

The appellant Giri

Gira-da giri presented a petition to the Amildar of Channarayapatna that the Patel office might be restored to him. 17-5-1891

The Shekdar was thereupon directed to submit a mahzar from the inhabitants of the village as to whether or not the appellant was the hukdar. 20-5-91

Before the above order was issued to the Shekdar the appellant had given a deposition before the Amildar of Channarayapatna as follows: 19-5-91

"My grandfather Giri Gowda had been registered as the Patel of Heggari halli. He had two sons Giri Gowda and Thimme Gowda. My father's elder brother Giri Gowda had been registered as Patel and had been doing the duties. My father had been employed as "Seri-e'gar" in the Amrit Mahal Dept. Giri Gowda died 10 or 18 years ago. My father died about 20 years ago. After their death Giri Thimme Gowda had been registered Patel and had been doing the duties for five or six years. He died 10-13 years ago. I also did the duties for some time. But as I had been living in a different Taluk

I had told Linga' Gowda to be looking after the duties until I returned. x x I have got a house and lands in Heggadihalli. As I ~~have~~ have been living in a different Taluk, I have given my Khata lands to others for cultivation. I pay 10 and odd rupees kandayam. I can write. As this is a "huck-dari" office, this should be confirmed to me."

5. 7. 91 The inhabitants of Heggadihalli executed a mahazar that Giri Thimme Gowda grandson of Kunne Gowda had been doing the patel duties in the said village, that he ~~had been dead~~ was dead, that the appellant was the heir of the said Giri Thimme Gowda and that for the past 25 years Linga Gowda had been doing the patel duties.

8. 7. 91 The appellant Giri Gowda reported to the Amildar that he would permanently settle himself in Heggadihalli and that the patel might be restored to him.

24. 9. 91 The inhabitants of the village also executed a mahazar that Giri Gowda had been for the past 6 months living in that village and that he would settle himself there only.

15. 12. 91 The Amildar submitted to the Deputy Commr., the pa[illegible]

appointment statement of 1891, the genealogical tree and other records relating to the case.

The above mentioned patels statement given under the head "Arbitrator's opinion" the following:-

"The registerdar's senior uncle's grandson has himself appeared and represented that he would do the patel-duties and that he might be so appointed. The inhabitants of the village also agree to it. The present incumbent has depised that he is unwilling to vacate the office. Orders may be passed that Hukdar Giri Gowda may do the patel duties."

[The Barabakati Register of 1866-68 gives under the head "Hissedar" the name of Thimme'Gowda, and under the head "the person actually doing the duty" Giri Thimme' Gowda.]

The Deputy Commr therefore upon ordered that the parties might be asked to appear before him. Giri Gowda the appellant alone appeared before the Deputy Commr. 11-1-92

The Deputy Commr on examining the appellant passed the following order:- 5-2-92

"Though Lingé Gowda

is not the hereditary and he has not appointed by officers competent to do so, still as he has been for more than 12 years doing the Patel duties, there is no reason to oust him now from the office without his consent. Giri Gowda's petition is therefore rejected".

The appeal is now against this order.

The appellant alleges:

That the Deputy Commissioner in holding that the petitioner ought not to get back his Patel.

BCH

Yrlgp

Genealogical tree

Kumne'gowda

Giri Gowda

Giri Gowda
I

Thimme'gowda
Giri Gowda
(Appellant)

Kumne'gowda

Giri Thimme'
gowda P

Heard 15th Dec 92
Reserved for
full hearing
up
21/12/92

Adjourned to 9th June 1893
Court
15/12

Revenue appeal No 41 of
1892-93

Appellant: Giri Gowda
versus
Respondent: Linge'gowda

Memo:

The Office of Patel of Heggadihalli in Nirisave saamsthan had been in the enjoyment of the appellant's family. Giri Thimme'gowda had been the last Patel of Heggadihalli. The appellant had been for a very long time living in Gubbi Taluk on the death of the said Giri Thimme'gowda (who was childless) Linge'gowda the Respondent began to do the patel duties. The Respondent is not at all related to the appellant. They do not even belong to the same caste.

In June 1886 the appellant presented a petition to the Amildar of Chennarayapatna that the patel office might be restored to him.

The Respondent (Linge'gowda) stated before the amildar that on the death of Giri Thimme'gowda above named there had been no one to do the patel duties, - the appellant then living in Gubbi Taluk

that he (Respondt) had been
then directed by the Shekdar,
Shanbhag &c to do the patel
duties and that he had
accordingly held the office for
nearly 25 years. He also
stated that he had not assumed
the office on the condition that
he should vacate it when
the appellant returned from
Gubbi Taluk.
The appellant however
stated that the Respondent
assumed the office on the
above condition.
The Shirdar after full
enquiry into the matter
reported to the DC Commr
in December 1891 that the
Hobli gist gowda the appellant
had appeared before him
and represented that he would
himself do the patel duties
and that the office might be
ordered to be restored to him.
Both parties had been directed
to appear before the DC
Commr, though only the appellant
appeared on the day appointed.
The Deputy Commr on hearing
the appellant, ordered that
though the Respondent Chige'
gowda was not the hereditary
to the office and had not been
duly appointed Patel by Officers
competent to make the appoint-
ment, still as he had held
the office for more than 12
years he could not be ousted
from the office.

5th February 1892

The inhabitants of the above named Heggadihalli have executed a mahazar that ever since the death of Giri Thimmegowda it for the past 25 years nearly the Respondent Linge Gowda has been doing the patel duties.

The appeal is now against the Deputy Commrs order dated the 5th Feby 1892 above mentioned.

The appellant merely alleges that the Deputy Commr erred in holding that the Petr ought not to get back his patel.

BCh

[illegible]

No 679

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petition No. 679
dated 2nd June /92 received at the
Dewan's Office from Giri Gowda Hiriya
Gowda, Hoggadabetti, Channa-
patna Taluk, praying that
Hiriya Patel for Hoskoti Isan to
the Patel of the said village

is forwarded, together with its 3
enclosures, to the Deputy Commr
Havana Dist for submission
Proceedings and a report
on the facts of the case for
the points taken in the petition.
2. The petition should be
returned

By Order,

Chief Secretary.

BANGALORE,
18 June 1892

(General Serial No. 30.)

1892. 502

14 JUL 92
DEWAN OF MYSORE

From The Superintendent Hospital Product

To

The Chief Secretary to the Dewan of Mysore

Dated 12th July 1892

Despatched

Received

Enclosures No. 1 & Procs.

General No. 230 of 1892
No. S.

In reply to Cro. of 15th Instnt

SUBJECT.

Submitting report on the petition of Girigowda of Beggadahalli, Channarayapatna Taluk praying for his restoration to the Patel of the said village

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References (to be entered only in the Dewan's Office).

Petn Br Mar 14/7

No. 250
S.

13

(3)

Deputy Commissioner's Office,
Hassan District.

Dated Hassan, 12th January 1892.

From,

The Deputy Commissioner,
Hassan District.

To

The Chief Secretary to the
Government of Mysore
Bangalore.

Sir,

With reference to your official Memo No. 69 of the 15th ultimo forwarding a petition from Girijamma of Hirigadahalli, Channarayapatna Taluk, praying for his restoration to the Patéli of the said village, I have the honor to report that Girijamma petitioned the Amildar of the Taluk

14

Patak in stating that he was the hereditary Potéli; that his grand father had two sons Giri-gowda and Timmegowda, that the former was looking after the Potali work and the latter (Petitioners father) was employed in the Amrut mahal Department as Sircar, that on the death of these two brothers his cousin — (grand fathers brothers sons) — Giri Timmegowda was appointed as Potéli; that about 10 or 13 years ago Giri Timmegowda died and he (Petitioner) did the Potéli work for some time; that when he left the village he requested Linegowda (the present incumbent)

8

to look after the work until his return. that when he came back and asked Linzjowda to give over charge of the office he declined to do so and that he and Linzjowda were not in any way related.

2 — Linzjowda admitting the petitioner to be the proper claim-ant of the office stated that as he was officiating for the last 25 years he would not vacate the office for Ginzjowda but that Sirkar may do so if they con-sider it proper.

3. The witness stated in their Mahazir what Linzjowda had stated above.—

4 — The Amildar in submitting the

the proceedings with Genealogical table as per margin was of opinion that the petitioner was the proper husband and that he may be appointed to the Poleli.

5 — I did not agree with the Amilpar and asked him to in- form the petitioner that as Ginigaruda was officiating for more than 2 years he could not be ousted from office without his consent.

6 — Dissatisfied with the above order, Ginigaruda has petitioned to Government.

7 — The entire proceedings together with appeal petition forwarded with your Memo under reply are herewith returned.

I have the honor to be,
Sir,
Your most obedient servant;

Ginigaruda.

1st Son Ginigaruda. — No fine.

1st Son Ginigaruda — 2nd Son Ginigaruda. — Appellant.

2nd Son Ginigaruda — Sri Ginigaruda. — No fine.

Petn
Writ of Mandamus 2/6/92

3.

PET'N
REG'D. 679 R
DATE 2-6-92

2.

Writ of Mandamus

Petn

Petitioner

Respondents

Gini Gonda ——— Petr.

" Respt.

Lingaya Gonda.

The Petr. Gini Gonda above named humbly submits that your honours may be pleased to issue a writ of the nature of a writ of Mandamus directing the Respts. to set aside their order No 825/5/2 dated the 31st day of March 1892 passed by the Deputy Commissioner of Nasik, and reverse the same on the following grounds:—

1. That the Deputy Commissioner erred in holding that the Petr. ought not to get back his Patrikay.

2. That the reasons assigned by the Deputy Commissioner for rejecting his Petition, are not sound.

3. That upon the facts found by the Deputy Commissioner, he ought to have declared the

the Faculty of the Pets:

4. That the receipts of the Deputy-Commissioner is often to the Revenue Laws in force.

Christian Nuetzi
Advocate for Pets

Before the Government of *His Highness* the Maharaja of Mysore.

Appeal No. 41 of 1892-93

Appellant.	Respondent.
Ajjee Gowda, Patēl of Heggadihalli, Channarayapatna Taluk, by Mr. Krishna Iyengar Advocate	Linga Gowda

Decision. 9/12/93

In June 1889 the Appellant petitioned the Amildar of Channarayapatna that the Patēl of Heggadihalli might be ordered to be restored to him as he was the Haldar. The Amildar recommended the restoration; but the Dy Commr: Patēl Appl on the 5th Feby/92, the respdt for restoration ordered that though the Respondent Linga Gowda was not the 'haldar' to the office, still as he had held the office for more than 12 years he could not be evicted from the office. Against this order the appeal was preferred.

2. Resd: The appellant having appeared

in person before the Government on the date of hearing and declared that he had no objection to the Respondent-Luigi Sowda continuing to perform duties as ordered by the Deputy Commr, this appeal is struck off the file.

By order

Redraft

Chief Secy

19-1-93

27-1-93

Copy to the Deputy Commr. Hassan Dista with the proceedings received with his letter No 2203 dt 12th July, 92.